Remarks:

Amendments to the claims:

Claims 1-48 are pending in this application. By this Amendment, claims 1, 6, 22, 24-26, 34-43 and 46 are amended. Claims 6, 22, 24-26, 34-43 and 46 are amended to maintain consistency with amended claim 1 and to place the claims in better form.

No new matter is added to the application by this Amendment. Support for new features added to claim 1 can be found in the figures, as originally filed, and within the specification, as originally filed, at, for example, page 7, lines 26-28, page 10, lines 16, 20, page 14, lines 4-7, page 18, line 16 – page 19, line 2, and page 21, line 18 – page 22, line 8.

Regarding the rejection of claims 1-4 under 35 USC 103(a) as being unpatentable over US Patent No. 4,683,132 to Ronning et al. (hereinafter "Ronning") in view of GB 2,039,740 to Martens et al. (hereinafter "Martens"):

Applicants respectfully traverse the rejections of the foregoing claims in view of Ronning and Martens.

Prior to discussing the merits of the Examiner's position, the undersigned reminds the Examiner that the determination of obviousness under § 103(a) requires consideration of the factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1 [148 USPQ 459] (1966): (1) the scope and content of the prior art; (2) the differences between the claims and the prior art; (3) the level of ordinary skill in the pertinent art; and (4) secondary considerations, if any, of nonobviousness. *McNeil-PPC, Inc. v. L. Perrigo Co.*, 337 F.3d 1362, 1368, 67 USPQ2d 1649, 1653 (Fed. Cir. 2003). There must be some suggestion, teaching, or motivation arising from what the prior art would have taught a person of ordinary skill in the field of the invention to make the proposed changes to the reference. *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988). But see also *KSR International Co. v. Teleflex Inc.*, 82 USPQ2D 1385 (U.S. 2007).

A methodology for the analysis of obviousness was set out in *In re Kotzab,* 217 F.3d 1365, 1369-70, 55 USPQ2d 1313, 1316-17 (Fed. Cir. 2000) A critical step in analyzing the patentability of claims pursuant to section 103(a) is casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. Close adherence to this methodology is especially important in cases where the very ease with which the invention can be understood may prompt one "to fall victim to the insidious effect of a hindsight syndrome wherein that which only the invention taught is used against its teacher."

It must also be shown that one having ordinary skill in the art would reasonably have expected any proposed changes to a prior art reference would have been successful. *Amgen, Inc. v. Chugai Pharmaceutical Co.,* 927 F.2d 1200, 1207, 18 USPQ2d 1016, 1022 (Fed. Cir. 1991); In re O'Farrell, 853 F.2d 894, 903-04, 7 USPQ2d 1673, 1681 (Fed. Cir. 1988); *In re Clinton,* 527 F.2d 1226, 1228, 188 USPQ 365, 367 (CCPA 1976). "Both the suggestion and the expectation of success must be founded in the prior art, not in the applicant's disclosure." *In re Dow Chem. Co.,* 837 F.2d 469, 473, 5 USPQ2d 1529, 1531 (Fed. Cir. 1988).

The Patent Office alleges that each and every feature of the foregoing claims would have been obvious to a skilled artisan at the time of the invention in view of the teachings of Ronning and Martens. Applicants respectfully disagree with the allegations by the Patent Office as set forth in the Office Action.

Ronning and Martens, taken singly or in combination, do not teach or suggest a packaging means having a holder that is configured to move to a closed state or an open state, wherein the top is adjacent to the base when the holder is in the closed state, wherein the cellulosic substrate is attachable to the top and the base of the holder, wherein the cellulosic substrate has a honeycomb configuration separating the top from the bottom

of the base when the holder is in the open state as required by amended claim 1.

Based on the foregoing, Applicants submit that a *prima facie* case of obviousness has not been established. Accordingly, reconsideration and withdrawal of the rejection of claims 1-4 under 35 USC 103 are respectfully requested.

Regarding the rejections under 35 USC 103(a) of (i) claims 19-21, 26-33, 39 and 40 as allegedly being unpatentable over Ronning and Martens in view of US Patent No. 2003,790,081 to Thornton et al. (hereinafter "Thornton"), (ii) claims 22-24, 37, 38 and 40 as allegedly being unpatentable over Ronning and Martens in view of US Patent No. 4,523,870 to Spector; (iii) claims 25 and 34-36 as allegedly being unpatentable over Ronning and Martens in view of US Patent No. 6,569,387 to Furner et al. (hereinafter "Furner"), (iv) claims 41-43 as allegedly being unpatentable over Ronning and Martens in view of US Patent No. 4,512,933 to Harden; (v) claim 45 as allegedly being unpatentable over Ronning, Martens, Thornton and Harden; (vi) claims 46 and 47 as allegedly being unpatentable over Ronning, Martens and Harden in view of US Patent No. 4,063,664 to Meetze, Jr.; and (vii) claim 48 as allegedly being unpatentable over Ronning and Martens in view of US Patent No. 5,899,382 to Hayes et al. (hereinafter "Hayes"):

Applicants respectfully traverse the rejection of the foregoing claims in view of Ronning, Martens, Thornton, Spector, Furner, Harden, Meetze, Jr. and Hayes.

The Patent Office alleges that the features of the foregoing claims would have been obvious to a skilled artisan at the time of the invention in view of the teachings of Ronning, Martens, Thornton, Spector, Furner, Harden, Meetze, Jr. and Hayes. Applicants respectfully disagree with the allegations by the Patent Office as set forth in the Office Action.

As discussed above with respect to the rejection of independent claim 1, Ronning and Martens, taken singly or in combination, fail to teach or suggest a packaging means

having a holder that is configured to be movable to a closed state or an open state, wherein the top is adjacent to the base when the holder is in the closed state, wherein the cellulosic substrate is attachable to the top and the base of the holder, wherein the cellulosic substrate has a honeycomb configuration separating the top from the bottom of the base when the holder is in the open state as required by amended claim 1, from which claims 5-48 depend.

Thornton, Spector, Furner, Harden, Meetze, Jr. and Hayes fail to remedy the deficiencies of Ronning and Martens because those references also fail to teach or suggest the features specifically defined in claim 1.

According, Ronning, Martens Thornton, Spector, Furner, Harden, Meetze, Jr. and Hayes, taken singly or in combination, fail to teach or suggest a packaging means having a holder that is configured to be movable to a closed state or an open state, wherein the top is adjacent to the base when the holder is in the closed state, wherein the cellulosic substrate is attachable to the top and the base of the holder, wherein the cellulosic substrate has a honeycomb configuration separating the top from the bottom of the base when the holder is in the open state as required by amended claim 1.

Because the features of independent claim 1 are not taught or suggested by Ronning, Martens Thornton, Spector, Furner, Harden, Meetze, Jr. and Hayes, taken singly or in combination, these references would not have rendered the features of claim 1 and its dependent claims obvious to one of ordinary skill in the art.

In view of the foregoing, reconsideration and withdrawal of this rejection are respectfully requested.

Regarding the provisional rejection of claims 1 and 5-18 under the doctrine of obviousness-type double patent as being unpatentable over claims 1, 6-11, 41, 42 and 49 of copending U.S. Application No. 10/578,282:

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Applicants respectfully retain their traversal of the Examiner's "double patenting" rejection of the foregoing claims in view of copending U.S. Application No. 10/578,282 (hereinafter "the 282 application") which is commonly assigned with the present application. Applicants point out that to date, no claims in the instant application or the 282 application have been cited as being allowable. As such it is thus believed that the Examiner's issuance of a "double patenting" rejection is improper as being premature. Applicants believe that entry of a Terminal Disclaimer at this point in time is premature, as the scope of allowable claims in the present application have not yet been established agreeing to the limitation of the term and scope of protection may be prejudicial to the interests of the applicant, e.g., wherein narrowed claims of the present application may be indicated as allowable and such claims might no longer give basis to a "double patenting" rejection. However, upon the indication of allowable subject matter the Examiner is invited to reinstate the instant rejection, if appropriate, at such later time.

Should the Examiner in charge of this application believe that telephonic communication with the undersigned would meaningfully advance the prosecution of this application, they are invited to call the undersigned at their earliest convenience.

The early issuance of a *Notice of Allowability* is solicited.

PETITION FOR A TWO-MONTH EXTENSION OF TIME

The applicants respectfully petition for a two-month extension of time in order to permit for the timely entry of this response. The Commissioner is hereby authorized to charge the fee to Deposit Account No. 14-1263 with respect to this petition.

The undersigned notes that this paper is being filed on the first day following both a weekend day and a following Federal Holiday in the District of Columbia, and is thus believed to be timely filed within the one-month extended response term.

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CONDITIONAL AUTHORIZATION FOR FEES

Should any further fee be required by the Commissioner in order to permit the timely entry of this paper, the Commissioner is authorized to charge any such fee to Deposit Account No. 14-1263.

Respectfully Submitted;

Andrew N. Parfomak, Esq. Date: 19 July 2010

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Enclosure – Request for Continued Examination

CERTIFICATION OF TELEFAX TRANSMISSION:

I hereby certify that this paper and any indicated enclosures thereto is being telefax transmitted to the US Patent and Trademark Office to telefax number: 571-273-8300 on the date shown below:

Diana Yang Date 19 July, 2010

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